

105TH CONGRESS
1ST SESSION

H. CON. RES. 42

Regarding the waiver of diplomatic immunity in cases involving serious criminal offenses.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 1997

Mr. DUNCAN (for himself, Mr. LIPINSKI, Mr. TRAFICANT, and Mrs. MYRICK) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Regarding the waiver of diplomatic immunity in cases involving serious criminal offenses.

Whereas the United States was founded on the principle that all men are equal before the law and anyone, rich or poor, is entitled to the protection of the law and also subject to just penalties under the law;

Whereas international treaties regarding diplomatic and consular immunity place diplomatic and consular officials from foreign countries in the unique situation of being above the law and not subject to prosecution for criminal offenses committed in the United States;

Whereas recent events indicate that this situation is endangering the safety and security of citizens and other persons residing in the United States;

Whereas in the vehicular manslaughter case involving a Georgian diplomat in Washington, the Department of State has been able to secure the agreement of the Georgian Government to waive the diplomat's immunity; and

Whereas it is incumbent on the President and Secretary of State to alleviate the injustice of the situation regarding diplomatic and consular immunity: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
 2 *concurring)*, That it is the sense of the Congress that—

3 (1) the President and Secretary of State should
 4 take all necessary steps to ensure that whenever
 5 there is probable cause to believe that an individual
 6 who is entitled to immunity from the criminal juris-
 7 diction of the United States, due to diplomatic or
 8 consular immunity, may have committed a serious
 9 criminal offense, the country such individual rep-
 10 resents waives the immunity of that individual; and

11 (2) whenever there is probable cause to believe
 12 that a United States individual who is entitled to
 13 immunity from the criminal jurisdiction of a foreign
 14 country due to diplomatic or consular immunity
 15 commits a serious criminal offense, the United
 16 States should waive the individual's immunity.

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